

FATWA: ITS ROLE IN THE HALAL INDUSTRY

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INTRODUCTION

عن جابر قال {قال رسول الله صلى الله عليه وسلم: لا ينبغي للعالم أن يسكت على علمه، ولا ينبغي للجاهل أن يسكت على جهله}

Which means, “From Jabir he said, Rasulullah (PBUH) said,” It is not right for the pious to conceal his knowledge. Nor should the ignorant keep silent for his ignorance” (narrated by al-Tabrani).

Allah Taala said:

﴿فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ﴾

Which means, “*So ask the people of knowledge, if you do not know*” (Surah al-Nahl: 43).

The Prophet said:

{بَلِّغُوا عَنِّي وَلَوْ آيَةً}

Which means, “*Deliver (knowledge) from me even a piece of verse*” (narrated by al-Bukhari).

This Quranic verses and hadith illustrate two forms of obligation:

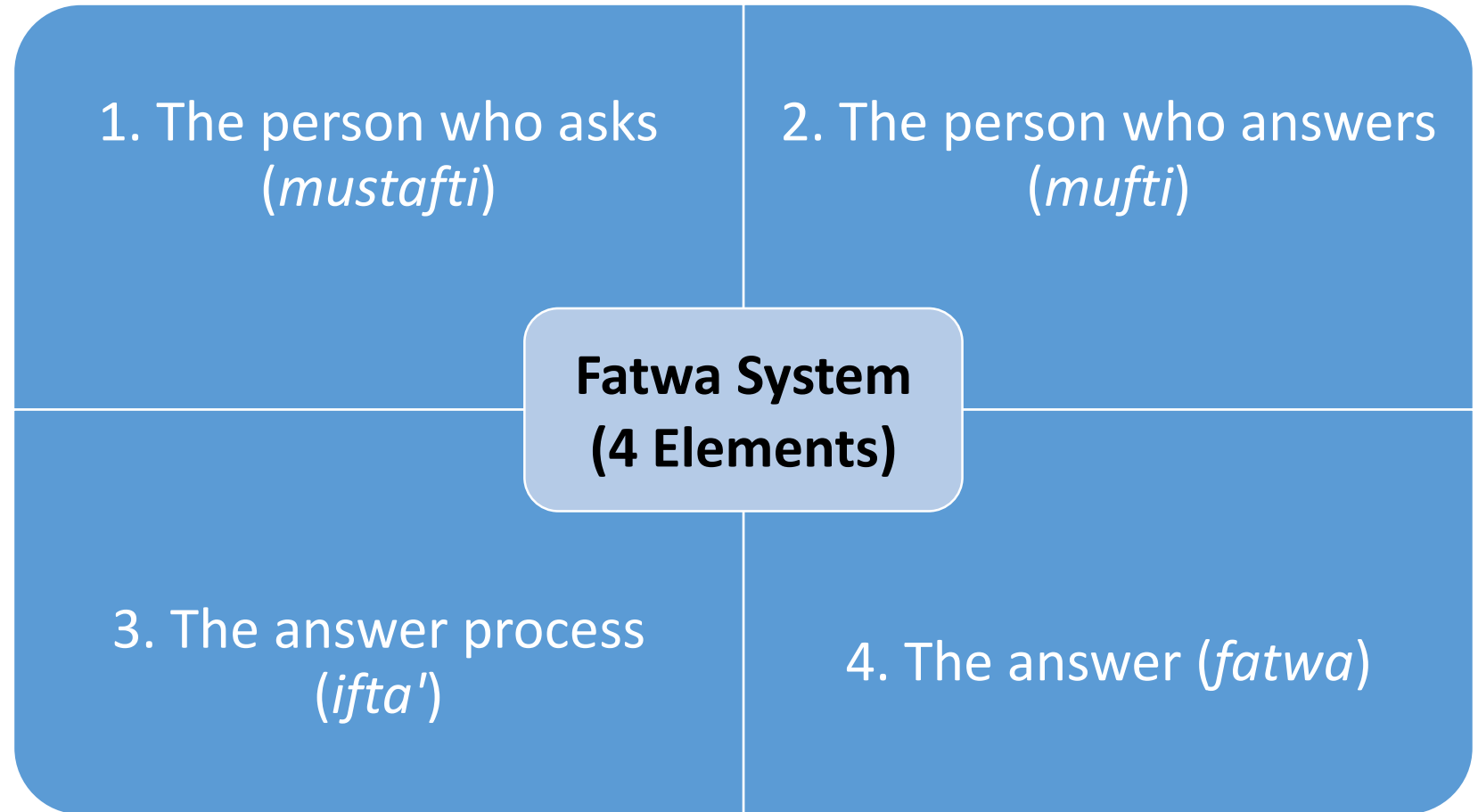
First: The obligation of a pious person is to convey his knowledge @ answer the question of the asking person.

Second: The duty of the ignorant is to ask the person who knows (*alim*).

This process (asking and answering) continues until the Day of Judgment.

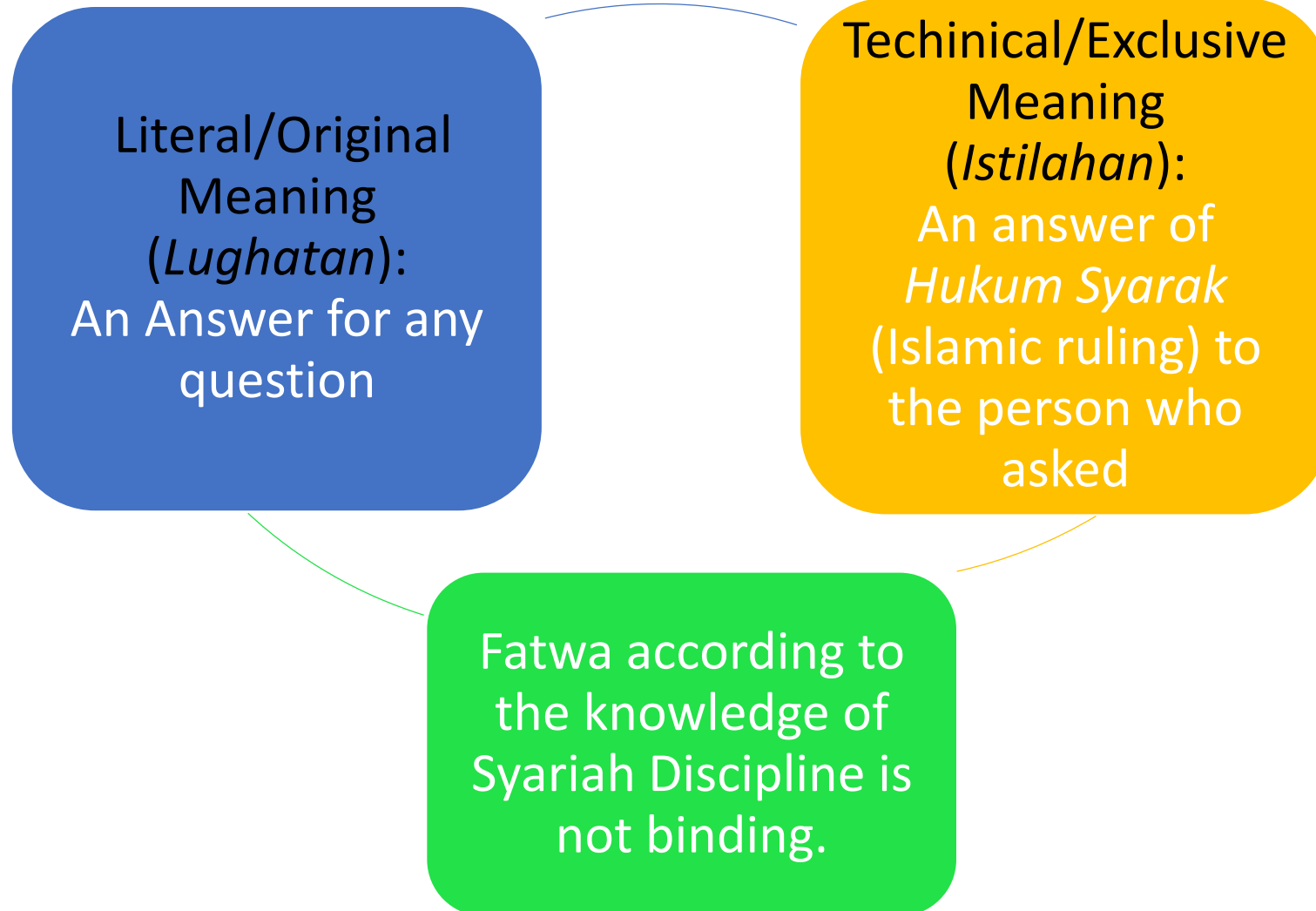
From the question and answer process, there is a system called:

"Fatwa System"



FATWA DEFINITION

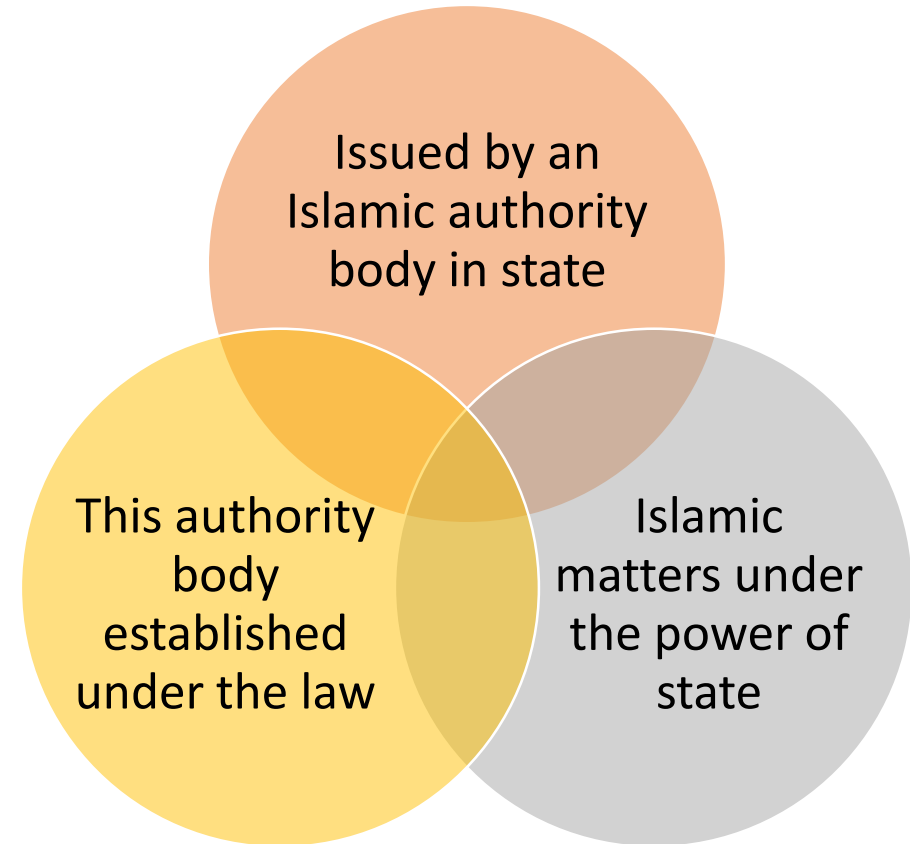
Fatwa Definition In Syariah Discipline



Fatwa In Malaysian Islamic Law

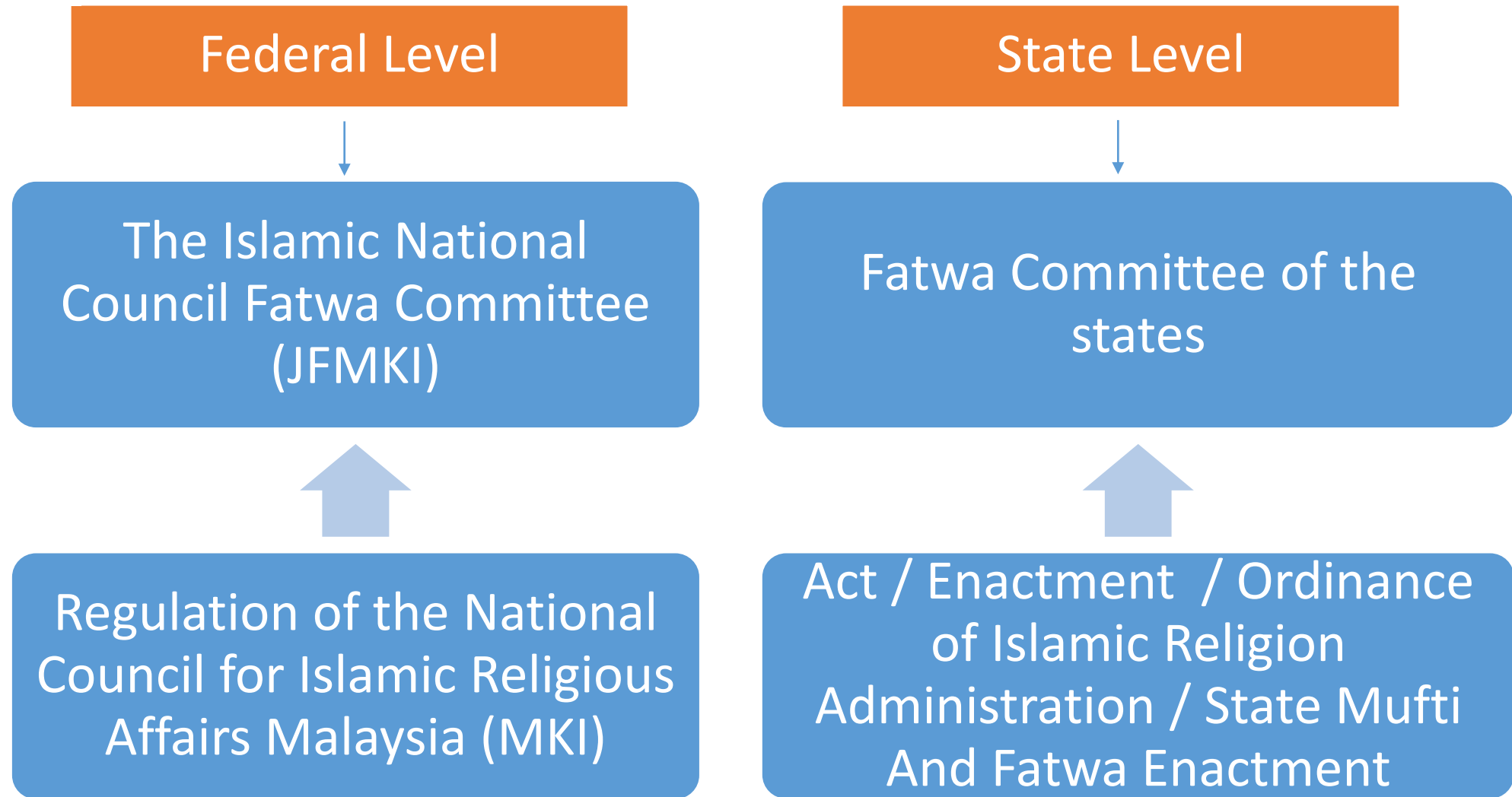
Ruling on any unsettled or controversial question of or relating to Islamic Law

Administration Of Islamic Law (Federal Territories) ACT 1993, Section 34. Fatwa(1)





FATWA INSTITUTION IN MALAYSIA





THE FUNCTION OF FATWA INSTITUTION IN MALAYSIA

Function of The Islamic National Council Fatwa Committee (JFMKI)

- Article 14 of the MKI Regulations: "The task of the Fatwa Committee is to consider, decide and issue a fatwa on any matter relating to the Islamic Religious referred to it by the Conference of Rulers. The committee shall submit its opinions to the Council which shall transmit it together with its recommendations to the Conference of Rulers".

Function of State Mufti's

- The *Mufti* shall aid and advise the Yang di-Pertuan Agong in respect of all matters of Islamic Law, and in all such matters shall be the chief authority in the Federal Territories after the Yang di-Pertuan Agong, except where otherwise provided in this Act.

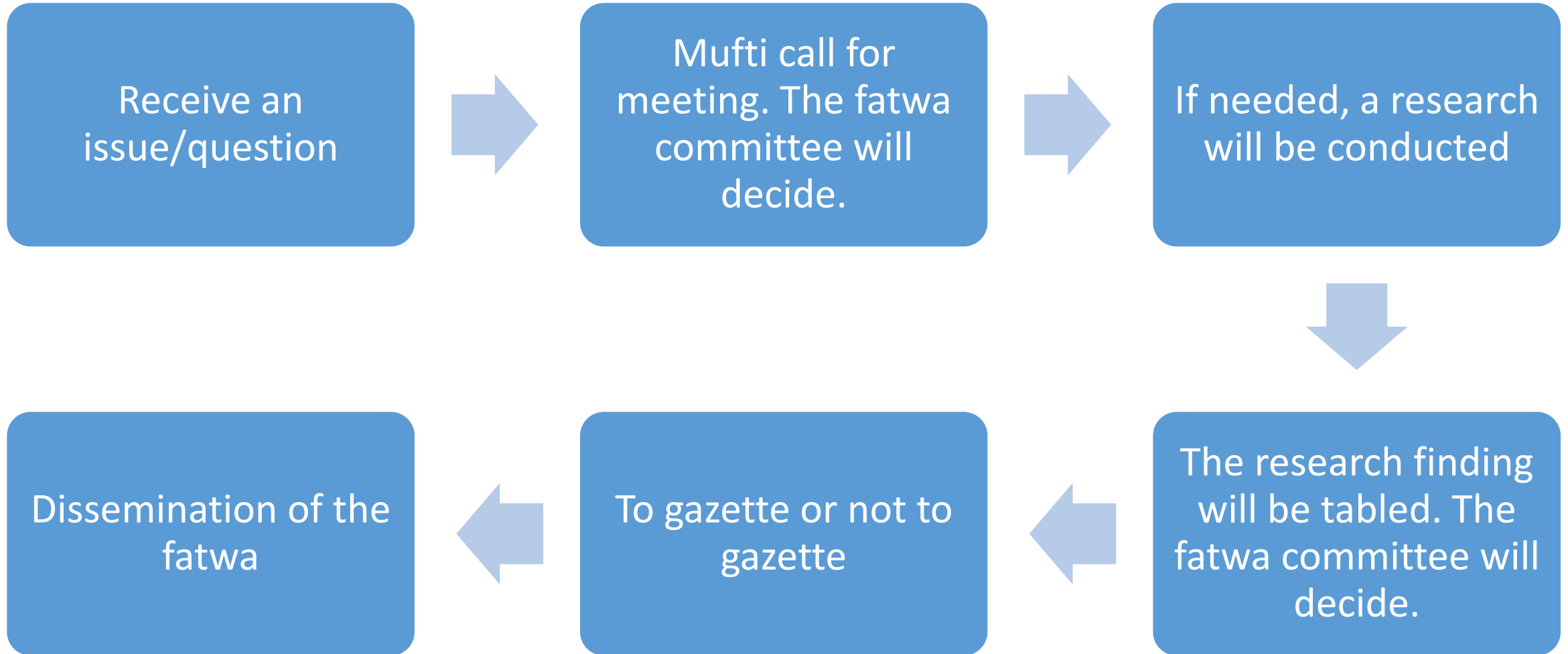
Administration Of Islamic Law (Federal Territories) Act 1993, Section 33. Authority of Mufti.

Function of State Fatwa Committee

- Subject to section 51, the Fatwa Committee shall, on the direction of His Royal Highness the Sultan, and may on its own initiative or on the request of any person by letter addressed to the Mufti, prepare fatwa on any unsettled or controversial question of or relating to *Hukum Syarak*.

Administration Of The Religion Of Islam (State Of Selangor) Enactment 2003, Section 47. Power of the Fatwa Committee to prepare a fatwa.

FATWA PRODUCING PROCESS



FATWA STATUS IN MALAYSIA

Decision Of The Islamic National Council Fatwa Committee

Decision or ruling
view/suggestion in any
issue

Has no legal authority

From the point of Syariah Discipline view:

That decision or ruling view/suggestion is already a fatwa.

But from the point of Islamic law in Malayisa:

It has not been considered a fatwa and can not be enforced as long as it is not gazetted by the state fatwa Committee.

State Fatwa Committee Fatwa

The Gazetted fatwa

The Ungazetted fatwa

Gazetted Fatwa

- Upon publication in the *Gazette*, a *fatwa* shall be binding on every Muslim resident in the Federal Territories as a dictate of his religion and it shall be his religious duty to abide by and uphold the *fatwa*, unless he is permitted by Islamic Law to depart from the *fatwa* in matters of personal observance, belief, or opinion.

Administration Of Islamic Law (Federal Territories) Act 1993, Section 34(3). Fatwa.

- **Violation of the Gazetted Fatwa**

Any person who gives, propagates or disseminates any opinion concerning Islamic teachings, Islamic Law or any issue, contrary to any fatwa for the time being in force in the Federal Territories shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Syariah Criminal Offences (Federal Territories) Act 1997. Section 12. Opinion contrary to fatwa.

FATWA ROLE IN MALAYSIA HALAL INDUSTRY

Fatwa Role In Halal



To be an Islamic ruling references to halal issues.

To eradicate ignorance about the uncertainty of halal issues.

To settle the disputes over halal issues.

To increase consumer confidence about the Islamic ruling of a product.

EXAMPLE OF HALAL FATWA

Example From National Fatwa Committee

The 73th Fatwa Committee Muzakarah of the National Council for Islamic Religion Affairs of Malaysia which met on April 4-6, 2006 discussed the Status of Fish Purity which fed with Non Halal Food:

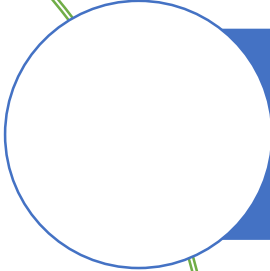
The Muzakarah has decided that the fish which preserved in the pond and etc is forbidden to eat if the fish are deliberately preserved in the stool water or intentionally fed with unclean (*najs*) such as pork, carcass or otherwise.

Example From State Fatwa

The 5th State of Selangor Fatwa Committee Meeting which was held in 2nd October 2006 issued the resolution of utilization of other unlawful part or type of animals (other than swine and dog) for the cosmetic purposes as follow:

- a. Islam emphasizes cleanliness, however, if the product derives from the lawful ingredients which can cause harm to the consumer, the utilization of it is prohibited in Islam.
- b. Therefore, any cosmetic product contain ingredients or any trace from unclean part from the animal that may cause harm whenever it used to eat it is considered as unlawful (haram) to use.

CONCLUSION



Fatwa should be respected as it is issued by those who are experts in the field.



Fatwa on halal issues is indeed a reference to the public and halal industry players.



The halal fatwa is not spared from current challenges due to technological advances and changes and the need of halal industry